IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 21213 of 2007(A)

OPMV.59/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, VADAKARA

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PETITIONER:

BALAKRISHNAN, S/O.KRISHNAN,
AMBALATHIL HOUSE, POST CHORODE,
(VIA) VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.GHOSH YOHANNAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V

RESPONDENTS:

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1. THE UNITED INDIA INSURANCE COMPANY,
BRANCH OFFICE, VADAKARA.

2. THE MANAGER,
PUNJAB NATIONAL BANK,
VADAKARA.

BY ADV. SRI.A.A.MOHAMMED NAZIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.21213/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE LETTER DTD 11.5.2006 BY MACT VADAKARA TO R2.

EXT.P2 COPY OF THE BUILDING PERMIT DTD 23.11.2005.

EXT.P2(A) COPY OF PHOTOGRAPH OF THE COMPLETED BASEMENT.

EXT.P3 COPY OF THE PETITION IN I.A.NO.4081/2005 IN OP(MV)NO.59/97 OF MACT, VADAKARA ALONG WITH AFFIDAVIT.

EXT.P4 COPY OF THE ORDER DTD 9.3.2006 IN I.A.NO.4081/05 IN OP(MV)NO.59/97

/TRUE COPY/

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ANTONY DOMINIC, J.

W.P.(C).NO.21213 OF 2007-A

Dated this the 25th day of September, 2007.

JUDGMENT

Pursuant to the award in O.P.(MV).No.59/1997, the compensation awarded by the Tribunal was awarded. The petitioner, the only claimant in the case, submitted I.A.No.4081/2005 for permitting him to withdraw the amount. It is stated that the petitioner is constructing a house and it was to meet the expenditure involved that the withdrawal was necessitated. However, the Tribunal rejected the application by Ext.P4. Challenging Ext.P4 order, this writ petition has been filed.

2. Ext.P4 does not contain any reason, much less any valid reason. The fact that a part of the amount was already allowed to be withdrawn is not a reason to decline the request of the petitioner. Since, the petitioner has projected bona fide reasons, in my view there is absolutely no justification to take an unrealistic view by the Tribunal. Ext.P4 is, therefore, quashed. The Tribunal will allow the petitioner to withdraw the amount.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

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